

**KIRKLAND & ELLIS**  
PARTNERSHIPS INCLUDING PROFESSIONAL CORPORATIONS

200 East Randolph Drive  
Chicago, Illinois 60601

Reed S. Oslan  
To Call Writer Direct:  
312 861-2166

312 861-2000

Facsimile  
312 861-2200

April 19, 1996

**VIA FEDERAL EXPRESS**

Edward J. Hanlon  
On-Scene Coordinator  
United States Environmental Protection Agency  
77 West Jackson Street, SR-6J  
Chicago, Illinois 60604-3590

Re: Dutch Boy Site - NL Industries, Inc.'s Comments On  
U.S. EPA's CERCLA Section 106 Order

Dear Mr. Hanlon:

I am writing on behalf of NL Industries, Inc. ("NL") to provide NL's comments regarding the unilateral administrative order issued by U.S. EPA to NL on or about March 26, 1996 ("Order"). Let me say at the outset, NL believes that substantial progress was made at our conference on April 11, 1996 and, accordingly, much of this letter is devoted to confirm our understanding of U.S. EPA's intentions with respect to the Order rather than attacking the validity of the Order. As discussed at our meeting, we believe an agreed order is more appropriate under the circumstances existing at this site.

As we pointed out in the conference, there are several aspects of the Order that are unclear and ambiguous. Several of these points were clarified by U.S. EPA. The following paragraphs identify clarifications made during the April 11 conference or comments regarding ambiguities or defects in U.S. EPA's Order. Other comments identify certain aspects of the Order which NL finds invalid and otherwise preserve NL's rights under the Order:

1. Perhaps the most significant issue discussed in the conference was U.S. EPA's intended scope of the investigation and removal action. Under the Order, it is unclear whether NL would be agreeing to investigate or address all lead found on-site or off-site no matter what the source. You clarified in the conference that only lead contamination attributable to former site operations is to be addressed under the Order. Accordingly, should NL agree to implement the Order it would only be agreeing to investigate and address contamination that resulted from former site operations, not contamination from other sources.

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We want to emphasize, however, that the Order, as drafted, is ambiguous regarding the scope of site investigation and remediation activities, and is invalid in that respect. With U.S. EPA's clarification, U.S. EPA agrees it will not later take a contrary position in an effort to force NL to remediate contamination that is not demonstrated as having been related to its former operations at the Dutch Boy site.

2. Another issue of uncertainty is the nature of the "removal" activities that U.S. EPA will seek. All parties agree that a "removal" action taken to address an imminent and substantial endangerment differs greatly from a permanent "remedial" action. Here, U.S. EPA has acknowledged this distinction and NL understands this position as requiring only that it follow the removal action criteria. While it may be appropriate to take actions which do permanently improve the site, U.S. EPA agrees that the Order only requires NL to undertake a "removal" action as that term is defined in CERCLA and by the courts.

3. The Order is ambiguous in that, by its terms, it is directed at addressing potential threats to human populations, but during the conference you indicated you would like sampling conducted below the asphalt-covered areas on the site. Obviously, there is no potential direct contact with lead particles underneath the asphalt pads, so there can be no potential human health risk. Under the terms of the Order we believe U.S. EPA does not have the authority to require that NL investigate underneath these areas; however, as discussed in the conference NL may be willing to go beyond the terms of the Order in this respect.

4. During the April 11, 1996 conference, NL learned for the first time that the City Of Chicago intends to undertake certain demolition and remediation efforts at the site. The Order makes no mention of NL's obligations with respect to remnants of the City's activities and, naturally, NL will not agree to investigate or remediate areas damaged by the City's voluntary activities. In short, we believe the City is "jumping the gun" by taking action at the site prior to a full and complete investigation. We clarify that NL has no obligations under the Order with respect to the demolition of the on-site structures or with respect to any areas contaminated by the City's activities.

5. Because the City intends to conduct activities at the site in the very near future, the Order provisions with respect to the timing of site security may be in conflict with the City's plans. If the City intends to demolish structures and conduct on-

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site remediations of the piles on the site, implementation of a site security plan in advance of those activities may hinder or interfere with the City's work. Because the City has elected to not include NL in its plans, and even has failed to provide documentation regarding its plans, U.S. EPA will need to coordinate the Order provisions with the City's work schedule.

6. The Order is ambiguous with respect to the off-site sampling that will be required. Based on the discussions that occurred at the conference, we understand that the need for establishing background concentrations for off-site lead levels will be determined following an initial round of off-site sampling. If lead concentrations in soil show a decreasing trend with distance from the site, but do not reach levels at or below U.S. EPA's preliminary target of 1400 ppm, it can be concluded that a substantial background contribution exists and a background analysis can then be conducted.

7. As discussed during the April 11, 1996 conference, the risk-based clean-up goal for lead, which U.S. EPA has calculated to be an average of 1400 ppm, is based on future occupational use of the site, which includes certain assumptions on the behavior patterns and movements of workers on the site. As part of the risk management plan, it was agreed that various alternatives will be evaluated that may not include removal of soils exceeding an average of 1400 ppm but which achieve protection by other means, including limiting access to soils by institutional controls or deed restrictions, or consolidation and capping, covering or paving. Risk-based methodologies will be used to ensure that the recommended alternatives are adequately protective.

8. The Order appears to place the burden on NL to meet every deadline, even if there is some cause outside NL's control that precludes NL from meeting a deadline. As you know, the Order could subject NL to penalties for any violation of the Order including failure to meet a deadline. We trust U.S. EPA does not intend to seek penalties against NL for failure to meet deadlines where such failure is not attributable to NL.

9. Because NL may be willing to proceed with appropriate action at the site, it has expressed a desire to conduct the work pursuant to an agreed order as opposed to a unilateral order. We believe, quite frankly, that U.S. EPA did not need to

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Page 4

leap from a general notice letter to a 106 Order, without first expressing to NL that it intended to take action at the site, despite NL's previous correspondence to the agency. U.S. EPA has agreed to consider an agreed order for this site.

10. NL believes U.S. EPA's request for reimbursement of costs and expenses exceeds U.S. EPA's authority under Section 106. We do not believe the agency can demand reimbursement of oversight costs and, accordingly, the Order is invalid in that respect.

11. We were quite surprised to learn that U.S. EPA has conducted or participated in public meetings with respect to this site, yet NL has never been advised of the meetings or invited to participate. Pursuant to CERCLA, U.S. EPA has an obligation to involve PRPs in such meetings and we believe the agency should have notified NL in advance. We trust U.S. EPA will provide NL reasonable advanced notice of further public meetings with respect to this site.

12. U.S. EPA has failed to name in the Order other PRPs, that should have been named in the Order. For example, ARTRA should have been named, given the enclosed document indicating that during its ownership and operation at the Dutch Boy Plant, OSHA determined there to be violations with respect to lead emissions at the site. See the enclosed OSHA report regarding ARTRA's operations. U.S. EPA has made, as a finding of fact, the conclusion that ARTRA manufactured lead-based paints and ARTRA also should be named on the Order. The present site owner also should be named in the Order. While Mr. Tarr may not be able to devote substantial resources to the removal action, he is in a position to contribute deed restrictions and institutional controls which may be an important part of the final proposal at the site. U.S. EPA should not ignore that it was Mr. Tarr's contractor that released lead previously contained in the buildings on site and, thus, Mr. Tarr is both a present owner and an owner at the time of disposal for purposes of his CERCLA liability. Let me make clear, however, NL is not taking the position that the Order is invalid because these other PRPs were not named. We are seeking an accommodation from U.S. EPA as an incentive for NL to implement the Order.

13. We have received your April 11, 1996 facsimile, in which you describe new dates for NL's compliance with the Order. These dates are the dates discussed and confirmed during the April 11 conference and are acceptable to NL. With

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respect to the issue of access, as stated in our conference, we believe U.S. EPA's placement of the burden on NL is inappropriate. NL has requested a listing of the neighboring property owners from U.S. EPA, but U.S. EPA advised NL on April 19, 1996 that it does not have this information. Accordingly, NL will attempt to gain access, but the process will likely not be completed by May 2, 1996.

14. With respect to NL's alleged liability at the site, NL is aware of no evidence indicating that the present conditions at the site were caused by its operations. At the time NL sold the site to ARTRA in 1976, there was no evidence of lead contamination on or near the site. It was not until the early 1980s, when Lavon Tarr decided to demolish the abandoned buildings on the site, that lead contamination was found to exist at the property. NL believes, therefore, that it has no CERCLA liability at the site because a third-party with which it had no contractual relationship caused the releases that are the subject of this action. Contrary to U.S. EPA's SAIC report, NL is aware of no evidence of on-site or off-site contamination resulting from its operations. While SAIC relied on certain depositions and statements in support of its conclusion regarding lead emissions from NL's operations, SAIC did not have the benefit of statements taken by NL (which are enclosed), or the insights of NL's experts.

15. Several of the findings of fact are incorrect or otherwise are incomplete. Rather than itemize each here, suffice to say the Order is based, at least in part, on incomplete or inaccurate facts.

16. The Order is arbitrary and capricious and otherwise exceeds the authority delegated to U.S. EPA under CERCLA.

17. NL reserves the right to provide additional comments on aspects of the Order or interpretations of the Order not previously provided by U.S. EPA.

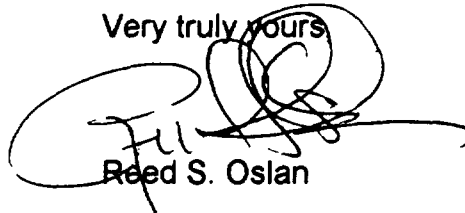
Please advise me immediately if you disagree with the above clarifications of U.S. EPA's position with respect to the Order or otherwise to discuss any necessary

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modifications to the Order. NL is obligated to advise U.S. EPA by April 25, 1996 of its intent to comply with the Order. If we do not receive a response to this letter before that time, we will assume our understanding of U.S. EPA's position is correct and will proceed accordingly.

Very truly yours



Reed S. Oslan

RSO:ls  
Encls.

cc: Christine M. Liszewski (w/encls.)  
Marcus A. Martin, Esq. (w/encls.)

U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

U.S. Department of Labor-OSHA  
1400 Terrence Avenue 2nd Floor  
Calumet City, Illinois 60609  
(312) 591-3800

| TYPE OF VIOLATION | CITATION NO. |
|-------------------|--------------|
| SERIOUS           | 1            |

|          |             |        |
|----------|-------------|--------|
| ISSUANCE | OSHA NUMBER |        |
| 6/10/80  | 73898       | 110    |
| REGION   | AREA        | PAGE   |
| 5        | 7320        | 1 OF 1 |

INSPECTION DATE:  
4/8/80 to 6/5/80  
INSPECTION SITE:  
SAME

TO: Dutch Boy Paints  
12042 South Peoria Street  
Chicago, Illinois 60643

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation cited below. The Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and Federal holidays) whichever is longer.

This citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your responsibilities and sources of advice and should be read in conjunction with this form.)

| ITEM NUMBER<br>STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION  | DATE BY WHICH<br>VIOLATION MUST<br>BE CORRECTED | PENAL |
|--|---|-------|
| The violations described in this citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.  |   |       |
| 1A<br>29 CFR 1910.1025(d)(6)(ii): The employer did not repeat monitoring quarterly for these employees determined by initial monitoring to be exposed to airborne lead in excess of the permissible exposure level:<br><br>The operator of the #2b and #3 ball mill, on the third floor of the Paint Department was not monitored quarterly after initial monitoring on 2/5/79, demonstrated that his exposure to airborne lead exceeded the permissible exposure level. | 7/10/80   | 150   |
| 1B<br>29CFR1910.1025(d)(8)(i): Within 5 working days after receipt of monitoring results, the employer did not notify in writing each employee who was monitored as to the results which represented that employee's exposure:<br><br>The operator of the #2b and #3 ball mill, on the 3rd floor of the Paint Department was not notified in writing as to the results of the monitoring on 2/5/79.  | 7/10/80   |       |
| 1C<br>29 CFR 1910.1025(h)(2): All surfaces were not maintained as free as practicable of accumulations of lead:<br><br>On the 3rd floor of the Paint Department, appreciable quantities of pigments containing lead were allowed to accumulate on the floor especially in the pigment bag storage areas, thus creating possible lead exposures to employees working in the area.   | 7/10/80   |       |
| 1D<br>29 CFR 1910.1025(j)(2)(i)(b): The employer did not make available every 2 months blood sampling and analysis for lead for all those employees found during previous biological monitoring to have a blood lead level in excess of 40 ug/100g of whole blood:   | 7/10/80   |       |

015111

AREA DIRECTOR

TOM KOIT, Acting Area Director

NOTICE TO EMPLOYEES - The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this citation and penalty.

EMPLOYER DISCRIMINATION UNLAWFUL - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

EMPLOYER RESPONSIBILITIES AND COURSES OF ACTION - The enclosed booklet outlines employer responsibilities and action and should be read in conjunction with this notification.

CITATION AND NOTIFICATION OF PENALTY

OSHA-2 REV. 5/76

PENALTIES ARE DUE WITHIN 15 DAYS OF RECEIPT OF THIS NOTIFICATION UNLESS CONTESTED (See enclosed Booklet)

This Citation Is Due Within 15 Days Of Receipt Of This Notification Unless Contested (See enclosed Booklet)

U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

U.S. Department of Labor-GSHA  
1400 Torrence Avenue 2nd Floor  
Calumet City, Illinois 60409  
(312) 891-3400

| TYPE OF VIOLATION | CITATION NO. |
|-------------------|--------------|
| SERIOUS           | 1            |

TO: Dutch Boy Paints  
12042 South Peoria Street  
Chicago, Illinois 60643

|          |             |        |
|----------|-------------|--------|
| ISSUANCE | OSHA NUMBER |        |
| 6/10/80  | 73996       | 110    |
| REGION   | AREA        | PAGE   |
| 5        | 7320        | 2 OF 3 |

INSPECTION DATE:  
4/8/80 to 6/5/80  
INSPECTION SITE:  
SAME

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PENALTIES ARE DUE WITHIN 15 DAYS OF RECEIPT OF THIS NOTIFICATION UNLESS OTHERWISE SPECIFIED

This Citation is a Notice of Proposed Penalties

The citation describes violations of the Occupational Safety and Health Act of 1970. The penalties listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your responsibilities and courses of action and should be read in conjunction with this form.)

| ITEM NUMBER   | STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION   | DATE BY WHICH VIOLATION MUST BE CORRECTED | PENALTY |
|---------------|--|---|---------|
| (1D Continue) |  |   |         |
|               | The operator of the #2 and #5 ball mills on the 3rd floor of the Paint Department was provided biological monitoring every 6 months rather than every 2 months after his blood lead level was determined to be at or above 40 ug/100g whole blood.                             | 7/10/80                                   |         |
| 1E            | 29 CFR 1910.1025(j)(3)(ii): The employer did not assure that the medical examinations for all employees whose blood lead levels were at or above 40 ug/100g whole blood fulfilled all the requirements for such examinations as set forth in 1910.1025(j)(3)(ii):              | 7/10/80                                   |         |
|               | The operator of the #2 and #5 ball mills on the third floor of the Paint Department, did not receive a physical which fulfilled all the requirements of 1910.1025(j)(3)(ii).   | 7/10/80                                   |         |
| 1F            | 29 CFR 1910.1025(j)(3)(v): The employer did not furnish a written medical opinion from each examining or consulting physician which contains the information required in 1910.1025(j)(3)(v) to each employee who received medical examinations as required in 1910.1025(j)(3): | 7/10/80                                   |         |
|               | The operator of the #2 and #5 ball mills, on the 3rd floor of the Paint Department did not receive a written medical opinion following the medical examination provided by the company.  | 7/10/80                                   |         |
| 1G            | 29 CFR 1910.1025(l)(1)(i): The employer did not inform all employees potentially exposed to airborne lead at any level as to the content of appendices A and B of the regulation:  | 7/10/80                                   |         |
|               | All employees throughout the plant who may be exposed to lead during formulating operations, material handling of lead pigments or while passing through areas of potential lead exposures were not informed as to the contents of appendices A and B.                         | 7/10/80                                   |         |
| 1H            | 29 CFR 1910.1025(l)(1)(iii): The employer did not provide initial training within 180 days from the effective date for those employees exposed to airborne lead at or above the action level:  | 7/10/80                                   |         |

AREA DIRECTOR

*[Signature]* TOM KOTT, Acting Area Director

NOTICE TO EMPLOYEES - The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this citation and penalty.

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U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

U.S. Department of Labor-OSEA  
1400 Torrence Avenue 2nd Floor  
Calumet City, Illinois 60409  
(312) 891-3800

| VIOLATION | CITATION |
|-----------|----------|
| SERIOUS   | 1        |

| REMARKS | DATE    | PAGE   |
|---------|---------|--------|
| 6/10/80 | 7/10/80 | 110    |
| 5       | 7/10    | 2 of 2 |

INSPECTION DATE:  
4/8/80 to 6/5/80  
INSPECTION SITE:  
SAME

TO: Dutch Boy Paints  
12042 South Peoria Street  
Chicago, Illinois 60643

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| ITEM NUMBER<br>STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED:   | DESCRIPTION  | DATE BY WHICH<br>VIOLATION MUST<br>BE CORRECTED |
|---|--|---|
| (1E Continued)  |  |   |
| The operator of the #2 and #5 ball mills on the 3rd floor of the Paint Department was not provided initial training though his exposure to airborne lead exceeded the action level.         |  | 7/10/80   |
| 1I<br>29 CFR 1910.1025(l)(1)(iv):   | The employer did not repeat training at least annually for each employee exposed to lead at or above the action level.   | 7/10/80   |
| The operator of the #2 and #5 ball mills on the 3rd floor of the Paint Department was not provided at least annual training though his exposure to airborne lead exceeded the action level. |  | 7/10/80   |
| 1J<br>29 CFR 1910.1025(l)(1)(v):  | The employer did not inform each employee exposed to airborne lead at or above the action level of all the information set forth in 1910.1025(l)(1)(v):  | 7/10/80   |
| The operator of the #2 and #5 ball mills on the 3rd floor of the Paint Department was not informed of all the information set forth in 1910.1025(l)(1)(v).                                  |  | 7/10/80   |
| 1K<br>29 CFR 1910.1025(e)(1):   | The employer did not provide affected employees of their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to paragraph (4) of this section: | 7/10/80   |
| Designated employee representatives were not provided the opportunity to observe the monitoring of employee exposures to airborne lead conducted on 2/5/79 and 5/10/79.                     |  | 7/10/80   |

016143

AREA DIRECTOR

*Patricia Z...* for TON KUTT, Acting Area Director

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CITATION AND NOTIFICATION OF PENALTY

OSHA-5 REV. 6/76

U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

U.S. Department of Labor-OSHA  
1400 Torrence Avenue 2nd Floor  
Calumet City, Illinois 60409  
(312) 891-3800

| TYPE OF VIOLATION | CITATION NO. |
|-------------------|--------------|
| OTHER             | 2            |

TO: Dutch Boy Paints  
12042 South Peoria Street  
Chicago, Illinois 60643

|               |             |
|---------------|-------------|
| ISSUANCE DATE | OSHA NUMBER |
| 6/10/80       | P3898 110   |
| RECORD        | AREA        |
| 5             | 7320 1 of 1 |

INSPECTION DATE:  
4/8/80 to 6/5/80

INSPECTION SITE:  
SAME

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PENALTY  
ARE 60  
WITHIN  
DAYS OF  
RECEIPT  
OF THIS  
NOTICE  
UNLESS  
CONTEST  
(See Contest  
Booklet)

This Booklet  
is Contain  
Booklet No.

This citation describes violations of the Occupational Safety and Health Act of 1970. The penalties listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your responsibilities and courses of action and should be read in conjunction with this form.)

| ITEM NUMBER | STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED | DESCRIPTION  | DATE BY WHICH VIOLATION MUST BE CORRECTED | PENALTY |
|-------------|---|--|---|---------|
| 1           | 29 CFR 1910.134(a)(2):                              | The employer did not establish and maintain a respiratory protection program which included the requirements outlined in paragraph (b) of this section:<br><br>The employer did not establish and maintain a respiratory protection program for all employees utilizing respiratory protection, such as in the first floor of the industrial building and the 3rd floor of the Paint department which included all of the following points:<br><br>(a) Written standard operating procedures governing selection and use of respirators.<br><br>(b) Selection of respirators based upon the hazards to which employee is exposed.<br><br>(c) Instruction and training of employees using respirators in proper use of the equipment and its limitation.<br><br>(d) Regular cleaning and disinfecting of respirators after each day's use and if used by more than one employee after each use.<br><br>(e) Storage of respirator in clean and sanitary location.<br><br>(f) Inspection of respirators for emergency use at least once per month or after each use.<br><br>(g) Regular inspection of respirators during cleaning for worn or deteriorated parts, and replacement of damaged parts.<br><br>(h) Regular inspection and evaluation of work area to determine continued necessity of respiratory protection and effectiveness of program.<br><br>(i) Determination that all persons assigned tasks requiring use of a respirator are physically able to perform the work and use the equipment as well as periodic review of user's medical status.<br><br>(j) Use of only approved respirators, canisters, etc. | 6/18/80                                   | 0       |

015144

AREA DIRECTOR

*Patricia J. Jones* / *Patricia J. Jones* Acting Area Director

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CITATION AND NOTIFICATION OF PENALTY

OSHA-2 REV. 5/78

FORM 5115-1000

TOTAL  
FOR  
CITA  
Subtotal  
Order No.  
000  
Indicate  
on this

RECEIVED  
011

DATE OF INSPECTION  
4/8/52

ESTABLISHMENT NAME

~~Discarded specimen~~



**The form is provided for the assistance of any complainant and is not intended for publicity and applicants means by which a complainant may be represented**

Form Approved  
GSA FPMR (41 CFR) 101-11.6[illegible]

NOTES: Section 11(d) of the Anti-Boycott Statute provides for criminal sanctions for employees assisting their firms, including holding shares and other securities.

**COMPLAINT #1771**

| Per Official Use Only |               |  | Total  |            |
|-----------------------|---------------|--|--------|------------|
| Acct                  | Date Received |  |        |            |
| 7320                  | 4/8/80        |  | 1140   |            |
| Region                | Received By   |  | Person | Non-Formal |
| 5                     | 21420         |  |        |            |

**The new novel (about and**

☐ (Agency) m-0

☐ (Agency) p-0

☐ (Agency) p-0

**SECRET**

**Ernst & Young**

**Dutch Boy Paint**

**1997-1998**

17042 S. Peoria

**010 84097**

11110019

**RECEIVED**

**Mrs. Paine**

2. Security measures are being implemented as follows:

Ind. 3148.

attends in person to ensure that the person is

**DATE OF BIRTH: 01 JAN 1925**

• Spie 101238001 vj 001501001

二、三、四、五、六、七、八、九、十、十一、十二、十三、十四、十五、十六、十七、十八、十九、二十、二十一、二十二、二十三、二十四、二十五、二十六、二十七、二十八、二十九、三十、三十一、三十二、三十三、三十四、三十五、三十六、三十七、三十八、三十九、四十、四十一、四十二、四十三、四十四、四十五、四十六、四十七、四十八、四十九、五十、五十一、五十二、五十三、五十四、五十五、五十六、五十七、五十八、五十九、六十、六十一、六十二、六十三、六十四、六十五、六十六、六十七、六十八、六十九、七十、七十一、七十二、七十三、七十四、七十五、七十六、七十七、七十八、七十九、八十、八十一、八十二、八十三、八十四、八十五、八十六、八十七、八十八、八十九、九十、九十一、九十二、九十三、九十四、九十五、九十六、九十七、九十八、九十九、一百。

Occupational Safety and Health Administration U.S. Department of Labor  
Safety and Health or Accident Inspection Report

|  |  |   |   |   |
|--|--|---|---|---|
| 1. Area<br><u>713120</u>   | 2. Region<br><u>015</u>  | 3. CSHO No.<br><u>E31891A</u>   | 4. Report No.<br><u>111011</u>              | 5. CSHO Job Title<br><u>1</u>   |
| 6. Inspection Dates<br>From <u>04/08/80</u> To <u>06/05/80</u>   |  | 7. SIC<br><u>2851</u>   |   |   |
| 8. Establishment Name (Print legal name)<br><u>Dutch Ray Paints</u>  |  |   |   |   |
| 9. Site Location<br><u>12042 South Pecoria St</u>  |  |   |   |   |
| 10. City<br><u>Chicago</u>   | 11. State<br><u>IL</u>   | 12. Zip Code<br><u>60643</u>  | 13. City Code<br><u>1670</u>                | 14. St. Code<br><u>12</u>   |
| 15. Name of Controlling Corporation, Partner or Sole Owner<br><u>Same</u>  |  |   | 17. Telephone Number<br><u>312-264-5655</u> |   |
| 18. Citation Mailing Address if Different From Above<br><u>Same</u>  |  |   |   |   |
| 19. Type of Inspection:<br>Accident <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> General Schedule <input type="checkbox"/> Follow-up <input type="checkbox"/>  |  | 23. Number of Employees<br>Employed in Establishment <u>105</u><br>Covered by Inspection <u>0</u><br>Controlled by Employer<br>0-19 <input type="checkbox"/> 20-99 <input checked="" type="checkbox"/> Over 99 <input type="checkbox"/> |   | 27. Inspection Status Block<br>Citations Will Be Issued <input checked="" type="checkbox"/> No <input type="checkbox"/><br>Date Case Completed<br>Month <u>09</u> Day <u>18</u> Year <u>81</u><br>Assessments Completed <input checked="" type="checkbox"/><br>Penalties Paid <input checked="" type="checkbox"/><br>Follow-up Inspection is<br>CSHO No. <u>1670</u> Report No. <u>111011</u> |
| 20. Special Programs:<br>TIP <input type="checkbox"/> T-HAP <input type="checkbox"/> Other Health <input checked="" type="checkbox"/> Special Employees <input type="checkbox"/> Other <input type="checkbox"/>  |  | 24. Adverse Notice (Check One):<br><input type="checkbox"/> None: no adverse effect<br><input type="checkbox"/> Adverse effect (CSHO)<br><input type="checkbox"/> Adverse effect (Employee)   |   | 28. Enter Related Complaint Log Numbers<br><u>11221</u>   |
| 21. If a previous OSHA inspection has been made in this establishment enter the 16 of the first OSHA inspection:<br>Region <u>015</u> Area <u>1670</u><br>CSHO Number <u>16943</u> Report Number FY/ID <u>18800</u>  |  | 25. Check this box if an employee representative attended work around privileges during this inspection<br><input checked="" type="checkbox"/>  |   |   |
| 22. Check this box if OSHA Training Received by Establishment<br><input type="checkbox"/>  |  | 26. Number Safety or Health Hazards Not Covered by a Standard<br><u>1</u>   |   |   |
| 29. Enter "total occupational injuries and illnesses" from the OSHA 102  |  |   |   |   |
| Total Cases<br><u>1</u>  |  | Deaths<br><u>0</u>  |   | Total Lost Workday Cases<br><u>1</u>  |
| Cases Involving Days Away From Work<br><u>1</u>  |  | Days Away From Work<br><u>1</u>   |   | Days of Restricted Work Activity<br><u>0</u>  |
| Nonfatal Cases Without Lost Workdays<br><u>0</u>   |  | Terminations or Permanent Transfers<br><u>0</u>   |   |   |
| 30. Enter cross reference codes if desired for this inspection:<br><u>U</u>  |  |   |   |   |
| 31. Date<br>Month <u>04</u> Day <u>08</u> Year <u>80</u>   | 32. Date of Accident<br>Month <u>04</u> Day <u>08</u> Year <u>80</u> | 33. No. Deaths<br><u>0</u>  | 34. Hospitalized Injuries<br><u>0</u>       | 35. Non-hospitalized Injuries<br><u>0</u>   |
| 36. Line Injured<br>No. <u>01</u><br>Part <u>01</u><br>Drop. Nature of Inj. <u>01</u><br>Code of Inj. <u>01</u><br>Body of Inj. <u>01</u><br>Source <u>01</u><br>Event <u>01</u><br>Error <u>01</u><br>Human Factor <u>01</u><br>Task <u>01</u><br>Hazard <u>01</u><br>Subsets <u>01</u> |  |   |   |   |
| 37. CSHO Signature<br><u>Mark R. Brown</u> 4/8/80<br>Area Office <u>1/11/80</u>  |  |   |   |   |



Occupational Safety and Health Administration

U.S. Department of Labor

This form is provided for the submission of any complaint and is not intended to constitute an agency action or a complaint may be registered with the U.S. Department of Labor.

Form Approved  
OMB No. 0441-0046

Sec. 811 (1) of the Williams-Steiger Occupational Safety and Health Act, 29 U.S.C. 651, provides as follows: Any employee or representative of an employer who believes that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of an employer, and a copy shall be provided to the employer or his agent no later than at the time of inspection, except that, upon receipt of the written notice, the Secretary or his agent may, at his discretion, refer the matter to the nearest office of the Secretary or his agent for investigation. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a follow-up inspection in accordance with the provisions of this section as soon as practicable, to determine a such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employee or representative of the employer in writing of such determination.

NOTE: Section 1140 of the Act provides subject protection for employees exercising their right, including making safety and health complaints.

COMPLAINT #1771

| For Official Use Only |               |           |             |
|-----------------------|---------------|-----------|-------------|
| Date                  | Date Received | Time      |             |
| 7/30                  | 6/8/80        | 1:00 p.m. |             |
| Region                | Received By   | Federal   | Non-Federal |
| 5                     | 21420         |           |             |

The undersigned (check one)

☐ Employee ☐ Representative of Employees ☐ Other (specify) \_\_\_\_\_

Defenses that a violation of the following areas of employment of an occupational safety or health standard exists which is a job safety or health hazard.

Employee's Name

Dutch Boy Paint

(City)

Chicago

Employee's Address (street)

12042 S. Peoria

(Zip Code)

Telephone

(State)

Illinois

1 Kind of Business

Paints

2 Specify the particular building or worksite where the alleged violation is located, including address.

Ind. Bldg.

3 Specify the name and phone number of employer's agent in charge.

4 Describe briefly the hazard which exists (include the approximate number of employees exposed to or threatened by such hazard).  
Explosion in industrial Bldg.

015160

U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY  
AND HEALTH ADMINISTRATION

NARRATIVE

1. CSNO No. **E3898** 2. Report No. **110**

3. Employer Name: **Dutch Bay Paints**

4. Type Of Legal Entity: **Corporation**

5. Type Of Business Or Plant: **Paint Mfg.**

6. NAMES AND ADDRESSES OF ALL ORGANIZED EMPLOYEE GROUPS:

7. AUTHORIZED REPRESENTATIVES OF EMPLOYEES:

Name: **United Electrical, Radio & Machine Workers**  
Local No. **187** Tele. No. **312-837-1300**  
Address **97 South Ashland Blvd.** Home At:  
**Chicago IL 60607** Zip Code

**EX 7C**

Name:  
Local No.: Tele. No.:  
Address:  
Zip Code:

**EX 7C**

8. EMPLOYER REPRESENTATIVES CONTACTED:

☐ - General Manager ☐ - Safety Dept.  
☐ - Health Dept. ☐ - Other Dept. (Specify)

9. OTHER PERSONS CONTACTED:

Name: Occupation & Affiliation:

**EX 7C**

**EX 7C**

10. COVERAGE INFORMATION

**Ship products nationwide**

11. Date & Time of Entry: **4/18/80** 12. Date & Time Work began: **4/18/80** 13. Date & Time Closing Conference began: **4/18/80** 14. Date & Time of Exit: **4/18/80**

15. EVALUATION OF SAFETY AND HEALTH PROGRAM: (Codes: 0 = Nonexistent 1 = Inadequate 2 = Average 3 = Above Average)

**EX 5**

Safety Training Program

Health Training Program

Safety Staff

Health Staff

Accident/Injury Investigations

Preventive Action Taken

Inventory Health

**015101**

16. FOLLOW-UP

**EX 5**

17. CSNO Signature & Date:

**Paul R. Finn 4/18/80**

18. Accompanied By:

**George Johnson - safety 4886**  
**Harlan O'Neil** **Paul R. Finn**

Page 176

6  
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4

1. H. C. R. N. C. L. Y. F. 1/11

*Entomophaga*

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F3895 116

1-A Continued

Page 2 of 6

seems, upon first evaluation, to have resulted in poor safety practices. All these aspects of the investigation are explained by the phases in his case Y8831-235.

I did note on 4/5/80 that the respiratory protection provided employees was inadequate. The equipment had been given to the employees on the first floor after they complained about the "fumes". One of the respiratory was for ammonia and not organic vapors. The other respiratory and mask parts and both were dirty and in general disrepair. I brought these problems to the attention of management and union representatives.

During the course of the investigation the union mentioned that employees in the plant were exposed to lead and blood tests were taken regularly. I inquired with management as to whether this was true and confirmed the union's claim. I spoke to

acting A.D. Mr. Pat Jansen concerning the situation and learned the fact at station B.1. I then went regarding lead exposure to Ex 7c

which previously owned the facility. The Jansen suggested that I examine further and pursue the situation as I saw fit. Later I talked to Ex 7c who agreed that sampling the operations may be necessary. On 4/9/80 the company inquired concerning the union's interest in lead exposure. Despite that this was because of OSHA's continuing concern with all occupational exposure to lead. The management was very satisfied with my answer.

had no objection to my investigating lead exposure. On 4/9/80 I arranged for me as soon as filling operations were resumed on the first floor of the industrial building. I wanted return to survey solvent exposure during the operation.

Mark Loun 4/9/80

(1-H Continued)

Page 3 of 6

CSHQ No. Report No.  
F3595 110

I called E. 7C on 4/14/80 to check on sampling the filling operation. He said that it would be resumed as soon as new equipment was delivered. I emphasized the need for implementing a complete respiratory protection program and revised 1910.134.

I was called by E. 7C on 4/15/80. I was out of the office. I returned his call on 4/18/80 and he explained that the filling operation was going to start. E. 7C said that the union was concerned about starting the operation until OSHA approval. I explained to E. 7C that OSHA approval was not required. I did emphasize the need for proper grounding and bonding of all machinery, cables, containers during the operation. I also explained that respiratory should only be used in accordance with 1910.134. E. 7C said that all these steps had been taken. I then spoke with him at the request of E. 7C and removed all these people. Finally I arranged to return to sample the operation on 4/21/80.

Mark [Signature]  
4/21/80

I arrived at the plant at 7:30 A.M. on 4/21/80. I finally arrived at 8:45 A.M. I expected me to just go out into the plant where I was to have met E. 7C. I explained to him that I always waited for management representation. I proceeded to the 1<sup>st</sup> floor of the Production Building where I was met by [Name] union representative. He and E. 7C took [Name] the tube samples throughout the area while the operator was filling five gallon buckets with the Dopper Line paint. All of the tube should equal

On 4/22/80 a return with the change  
of name to the 1977 company name in regard to the  
and asbestos. Do: Ex 7C a could not find  
any records after 1977 company name in regard to the  
the plant by: Ex 7C as we could  
to carry a day to sample employee exposure  
to lead and asbestos.  
On 4/22/80 a return with the change  
of name to the 1977 company name in regard to the  
and asbestos. Do: Ex 7C a could not find  
any records after 1977 company name in regard to the  
the plant by: Ex 7C as we could  
to carry a day to sample employee exposure  
to lead and asbestos.  
On 4/22/80 a return with the change  
of name to the 1977 company name in regard to the  
and asbestos. Do: Ex 7C a could not find  
any records after 1977 company name in regard to the  
the plant by: Ex 7C as we could  
to carry a day to sample employee exposure  
to lead and asbestos.

MMF 4/22/80

On 4/22/80 a return with the change  
of name to the 1977 company name in regard to the  
and asbestos. Do: Ex 7C a could not find  
any records after 1977 company name in regard to the  
the plant by: Ex 7C as we could  
to carry a day to sample employee exposure  
to lead and asbestos.  
On 4/22/80 a return with the change  
of name to the 1977 company name in regard to the  
and asbestos. Do: Ex 7C a could not find  
any records after 1977 company name in regard to the  
the plant by: Ex 7C as we could  
to carry a day to sample employee exposure  
to lead and asbestos.

MMF 4/21/80

On 4/21/80 a return with the change  
of name to the 1977 company name in regard to the  
and asbestos. Do: Ex 7C a could not find  
any records after 1977 company name in regard to the  
the plant by: Ex 7C as we could  
to carry a day to sample employee exposure  
to lead and asbestos.  
On 4/21/80 a return with the change  
of name to the 1977 company name in regard to the  
and asbestos. Do: Ex 7C a could not find  
any records after 1977 company name in regard to the  
the plant by: Ex 7C as we could  
to carry a day to sample employee exposure  
to lead and asbestos.

(1-H Continued) Page 4/6 F-195 11C

(1-A Continued) Page 5 of 6 F3598 11C

the union representatives that I was in the plant carrying on the third floor. One of the union reps. Mr. E+7- E+7C, is worked in the concrete area, as it was in communication with him throughout the day. At the end of the work shift I notified both union and management representatives that I would contact them once I received the sample results.

During the day I discussed the company lead program with E+7C. He still had + received copies of previous lead sampling done by E+7C.

Mark Faxon

5/16/80

After receiving the sample results, I discussed the results with I.A. supervisor Fred Hyman. He agreed that further sampling was not necessary as initiation would be issued on the basis of exceeding the action level and not the PEL. I called E+7C and requested information on all the items in 1910.1025 which must be reviewed when the exposure exceed the action level. We met on 6/5/80 to discuss the requested information and thus complete the case.

MST 6/2/80

On 6/5/80 I met with E+7C to discuss their lead protection program. I reviewed each point of the standard and determined when or not the company had met each requirement. ~~The next page is Page 7 of this case file~~ I reviewed these points. I also encouraged them to implement additional controls the further the lead exposure is. E+7C said that the present exhaust system on the ball mills was installed after the initial monitoring showed lead.

[illegible]

3/9/20

110 F388

3ND No - Root No

F3395 110

Closing Conference Review

|                          |   |       |
|--------------------------|---|-------|
| 8th - 1025               | How met   | was   |
| (d)(2)                   | initial monitoring by Ex 7 -                            | not a |
|                          | 2/5/79  | ye    |
| (d)(6)(i)                | Next monitoring - 5/10/79                               | ye    |
|                          | Not again till present                                  |       |
| (d)(8)(i)                | No employee notification                                |       |
| (h)(1)                   | Not done - dust on floor                                | ye    |
| (j)(2)(a)                | Have handling blood hole very common                    | ye    |
| (j)(2)(b)                | Just started every 2000 ft. 9/27/79, 3/26/80            |       |
| (j)(2)(iv)               | Everyone told across grain of weather                   | ye    |
| (j)(3)(a)                | Not done weekly - 8/1/78, 9/4/79                        | ye    |
|                          | - available through training for all employees          |       |
| (j)(3)(i)                | didn't know all tech but thought that all were not done |       |
| (j)(3)(v)                | No medical given during exam                            | ye    |
| (l)(1)(i)                | No such training for providing                          | ye    |
|                          | of signs of appendicitis                                |       |
| (l)(1)(iii) & (iv) & (v) | No training   | ye    |
| (n)(1)(i)                | Records available                                       | ye    |
| (o)(1)                   | Employees as you did                                    | ye    |
|                          | not observe previous monitoring                         |       |

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
U.S. DEPARTMENT OF LABOR  
WORKSHEET

|                             |                                   |   |                                       |
|-----------------------------|-----------------------------------|---|---------------------------------------|
| 1. OSHA No.<br><b>F3898</b> | 2. Report No.<br><b>110</b>       | 4a. Type<br><b>OS</b>                                       | 4b. Date<br><b>1/6</b>                |
| 3. Item No.<br><b>19</b>    | 5. Incidents on Pg.<br><b>171</b> | 7. Standard Alleged Violation<br><b>1910.1025(d)(6)(ii)</b> | 8. Abatement Period<br><b>30 days</b> |
| 11a. SAVE NO Code           | 10a. Ref. No.                     | 9. AVO/Verbal Information<br><b>76100</b>                   | 12a. Ref.                             |

~~The employer did not permit monitoring of the employees' health for these employees determined to be at risk.~~

~~The employer did not permit monitoring quarterly for these employees determined to be at risk to health and an excess of the permissible exposure level was indicated by initial monitoring.~~

The employer did not permit monitoring quarterly for these employees determined by initial monitoring to be exposed to asbestos and an excess of the permissible exposure level.

The operator of the #2 and #3 ball mills on the third floor of the paint department were not monitored quarterly after initial monitoring on 2/5/79 demonstrated that his exposure to asbestos had exceeded the permissible exposure level.

12b. ILLNESS OR INJURY (See a. of Compliance Guidelines)

*Lead poisoning*

**011115**

13. CLASSIF: **N Y Y15 N N**

14. PROBABILITY RATING (For Sources: See IMFORM Chapter II.E.3.)

|                        |               |            |          |                       |           |           |  |
|------------------------|---------------|------------|----------|-----------------------|-----------|-----------|--|
| RATING: <b>20</b>      |               |            |          | Score: <b>175</b>     |           |           |  |
| a. No. Cal. Days Under |               |            |          | b. Adjustment Factors |           |           |  |
| 11 Sub                 | 21 Good Faith | 31 History | 41 Total |                       |           |           |  |
| <b>1</b>               | <b>300</b>    | <b>0</b>   | <b>0</b> | <b>30</b>             | <b>10</b> | <b>40</b> |  |

| PROBLEM               | RATING | RATIONALE   |
|-----------------------|--------|---|
| NUMBER OF EMPLOYEES   | 4      | 4 Janes was employed for 9 hrs during 28th November |
| Frequency of Exposure | 1      | Exposure was 1-2 hrs, 2-3 days/week                 |
| Proximity to Source   | 2      | Exposure was immediate                              |
| Stress Factors        | 1      | Exposure was during strength of 30                  |
| Other Factors         | 1      | Use appropriate PPE                                 |
| TOTAL                 | 9      |   |
|                       | 1.8    |   |
| TOTAL                 | 2.8    | Exposure was during strength of 30                  |

015168



OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
U.S. DEPARTMENT OF LABOR

WORKSHEET

|                             |                                   |   |                                |
|-----------------------------|-----------------------------------|---|--------------------------------|
| 1. CSHO No.<br><b>F3898</b> | 2. Report No.<br><b>110</b>       | 3a. Type<br><b>S</b>  | 3b. Date<br><b>1/1</b>         |
| 3. Item No.<br><b>16</b>    | 4. Incident on Pg.<br><b>10/1</b> | 5. Standard Applicable Violation<br><b>1910.1025(a)(8)(i)</b> | 6. Absentee Period<br><b>1</b> |
| 11a. SAVE ID Code           | Time Ref. No.                     | 7. AVO/Violation<br><b>1910.1025(a)(8)(i)</b>                 | 12a. R#                        |

*The employee did not notify the employer of the injury until 21/5/79.*

*Within 5 working days after receipt of monitoring results, the employee did not notify the employer of the injury until 21/5/79.*

*The manager of the 4th floor of the Plant Department was not notified of the injury until 21/5/79.*

12b. ILLNESS OR INJURY (See e. of Compliance Guidelines)

*Lead poisoning*

13. CLASSIF. **1**

14. PROBABILITY RATING (For Specifics See IMFOB Chapter 11.8.3)

|                  |                     |              |                       |              |
|------------------|---------------------|--------------|-----------------------|--------------|
| a. No. Employees | b. Duration of Exp. | c. Other PPE | d. Adjustment Factors | e. Pen. Adj. |
| 1                | 1                   | 1            | 1                     | 1            |

15. PENALTY

|                          |                         |                                       |                       |              |
|--------------------------|-------------------------|---------------------------------------|-----------------------|--------------|
| a. Prob. of Injury/IL or | b. Gravity-Base Penalty | c. Times Reported Degree Of Violation | d. Adjustment Factors | e. Pen. Adj. |
| 1                        | 1                       | 1                                     | 1                     | 1            |

FORM OSHA-10 (10-1-1979)

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
U.S. DEPARTMENT OF LABOR

WORKSHEET

|                             |                                  |  |                                       |
|-----------------------------|----------------------------------|--|---------------------------------------|
| 1. OSHA No.<br><b>F3878</b> | 2. Report No.<br><b>110</b>      | 4a. Type<br><b>5</b>                                     | 4b. Nature<br><b>1</b>                |
| 3. Item No.<br><b>OK</b>    | 6. Instance on Pg.<br><b>141</b> | 7. Standard Allegedly Violated<br><b>1910.1025(h)(1)</b> | 8. Abatement Period<br><b>10/1/78</b> |
| 11a. SAYS ID Code           | 10a. Ref. No.                    | 9. AVO/Variable Information:                             | 12a. RE                               |

*All surfaces were not maintained as free as practicable of accumulation of lead.*

*On the third floor of the paint department, appreciable quantities of pigments containing lead were allowed to accumulate on the floor especially in the paint bag storage area thus creating possible exposure to employees working in the area.*

12b. ILLNESS OR INJURY (See p. 1 of Compliance Guidelines)

13. CLASSIF.: **N N Y CMA**

14. PROBABILITY RATING (For Scoring, See HSPOM Chapter 11.9.3)

|             |                           |                          |                                       |                        |          |
|-------------|---------------------------|--------------------------|---------------------------------------|------------------------|----------|
| 15. PENALTY | a. Pres. of Injury/IL or  | b. Gravity-Based Penalty | c. Times Reported/Degree of Violation | d. Aggravating Factors | e. Total |
|             | f. No. Cal. Days Unavail. |                          |                                       |                        |          |

## WORKSHEET

**12a. REF**

2

1

1

2001/10/01

67



OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
U.S. DEPARTMENT OF LABOR  
WORKSHEET

|                             |                                     |  |                                  |
|-----------------------------|-------------------------------------|--|----------------------------------|
| 1. CSHO No.<br><b>F3898</b> | 2. Report No.<br><b>110</b>         | 4a. Type<br><b>5</b>                                     | 4b. Number<br><b>1</b>           |
| 3. Item No.<br><b>215</b>   | 5. Inspection on Pg.<br><b>10/1</b> | 7. Standard Adopted/Version<br><b>1910.1025(j)(3)(v)</b> | 8. Applicable Part<br><b>---</b> |
| 11a. SAVE ID Code           |                                     | 11b. AVO/Version Information                             | 11c. No. of Ins. (11)            |
|                             |                                     |  | <b>1</b>                         |

*The employee did not ~~submit~~ furnish a written medical opinion from each physician or consulting physician which contains the information required in 1910.1025(j)(3)(v) to each employee who received medical examination as required in 1910.1025(j)(3)*

*The operator of the #2 and #5 ball mills on the third floor of the plant Department did not receive a written medical opinion following the required medical examination provided by the company*

12b. ILLNESS OR INJURY (See a. of Compliance Guidelines)

*Lead poisoning*

**615151**

13. CLASSIF. **M1 Y Y Y Y Y Y Y Y**

14. PROBABILITY RATING (For Severity, See INFO Chapter 11.8.3.)

|                           |                |                          |                                   |                       |  |                      |
|---------------------------|----------------|--------------------------|-----------------------------------|-----------------------|--|----------------------|
| a. Prob. of Injury/ILL or |                | b. Gravity-Based Penalty | c. Times Reported/ Degree Of Work | d. Adjustment Factors |  | e. Probable Adaptive |
| 11. Base                  | 12. Good-Faith | 13. Mitigation           | 14. Total                         |                       |  |                      |
| 15. PERALTY               |                |                          |                                   |                       |  |                      |

## WORKSHEET

|             |                    |
|-------------|--------------------|
| 1. CHOD No. | 2. Patient No.     |
| F3898       | 170                |
| 3. Exam No. | 4. Measurement No. |
| 16          | 107                |
| 112. LAMB   | Toss               |

[illegible]

© All kind of you thought of the best of me  
 to myself to 1880 my — of property, goods,  
 my family. I have my — with many  
 and young to the 1880 I have you and  
 and put to the — of 1880 I have

[illegible]

12a. ILLNESS OR INJURY (See a. of Computerized Questions)

Had journey

[illegible]

14 PROBABILITY RATING (Per Section. See IHPOM) Chapter 11.2.2

[illegible]

| A.I. | a. Prob. of Injunct. | b. Prob. of Injunct. |
|------|----------------------|----------------------|
| 1    | 0.00                 | 0.00                 |
| 2    | 0.00                 | 0.00                 |
| 3    | 0.00                 | 0.00                 |
| 4    | 0.00                 | 0.00                 |
| 5    | 0.00                 | 0.00                 |
| 6    | 0.00                 | 0.00                 |
| 7    | 0.00                 | 0.00                 |
| 8    | 0.00                 | 0.00                 |
| 9    | 0.00                 | 0.00                 |
| 10   | 0.00                 | 0.00                 |
| 11   | 0.00                 | 0.00                 |
| 12   | 0.00                 | 0.00                 |
| 13   | 0.00                 | 0.00                 |
| 14   | 0.00                 | 0.00                 |
| 15   | 0.00                 | 0.00                 |
| 16   | 0.00                 | 0.00                 |
| 17   | 0.00                 | 0.00                 |
| 18   | 0.00                 | 0.00                 |
| 19   | 0.00                 | 0.00                 |
| 20   | 0.00                 | 0.00                 |
| 21   | 0.00                 | 0.00                 |
| 22   | 0.00                 | 0.00                 |
| 23   | 0.00                 | 0.00                 |
| 24   | 0.00                 | 0.00                 |
| 25   | 0.00                 | 0.00                 |
| 26   | 0.00                 | 0.00                 |
| 27   | 0.00                 | 0.00                 |
| 28   | 0.00                 | 0.00                 |
| 29   | 0.00                 | 0.00                 |
| 30   | 0.00                 | 0.00                 |
| 31   | 0.00                 | 0.00                 |
| 32   | 0.00                 | 0.00                 |
| 33   | 0.00                 | 0.00                 |
| 34   | 0.00                 | 0.00                 |
| 35   | 0.00                 | 0.00                 |
| 36   | 0.00                 | 0.00                 |
| 37   | 0.00                 | 0.00                 |
| 38   | 0.00                 | 0.00                 |
| 39   | 0.00                 | 0.00                 |
| 40   | 0.00                 | 0.00                 |
| 41   | 0.00                 | 0.00                 |
| 42   | 0.00                 | 0.00                 |
| 43   | 0.00                 | 0.00                 |
| 44   | 0.00                 | 0.00                 |
| 45   | 0.00                 | 0.00                 |
| 46   | 0.00                 | 0.00                 |
| 47   | 0.00                 | 0.00                 |
| 48   | 0.00                 | 0.00                 |
| 49   | 0.00                 | 0.00                 |
| 50   | 0.00                 | 0.00                 |
| 51   | 0.00                 | 0.00                 |
| 52   | 0.00                 | 0.00                 |
| 53   | 0.00                 | 0.00                 |
| 54   | 0.00                 | 0.00                 |
| 55   | 0.00                 | 0.00                 |
| 56   | 0.00                 | 0.00                 |
| 57   | 0.00                 | 0.00                 |
| 58   | 0.00                 | 0.00                 |
| 59   | 0.00                 | 0.00                 |
| 60   | 0.00                 | 0.00                 |
| 61   | 0.00                 | 0.00                 |
| 62   | 0.00                 | 0.00                 |
| 63   | 0.00                 | 0.00                 |
| 64   | 0.00                 | 0.00                 |
| 65   | 0.00                 | 0.00                 |
| 66   | 0.00                 | 0.00                 |
| 67   | 0.00                 | 0.00                 |
| 68   | 0.00                 | 0.00                 |
| 69   | 0.00                 | 0.00                 |
| 70   | 0.00                 | 0.00                 |
| 71   | 0.00                 | 0.00                 |
| 72   | 0.00                 | 0.00                 |
| 73   | 0.00                 | 0.00                 |
| 74   | 0.00                 | 0.00                 |
| 75   | 0.00                 | 0.00                 |
| 76   | 0.00                 | 0.00                 |
| 77   | 0.00                 | 0.00                 |
| 78   | 0.00                 | 0.00                 |
| 79   | 0.00                 | 0.00                 |
| 80   | 0.00                 | 0.00                 |
| 81   | 0.00                 | 0.00                 |
| 82   | 0.00                 | 0.00                 |
| 83   | 0.00                 | 0.00                 |
| 84   | 0.00                 | 0.00                 |
| 85   | 0.00                 | 0.00                 |
| 86   | 0.00                 | 0.00                 |
| 87   | 0.00                 | 0.00                 |
| 88   | 0.00                 | 0.00                 |
| 89   | 0.00                 | 0.00                 |
| 90   | 0.00                 | 0.00                 |
| 91   | 0.00                 | 0.00                 |
| 92   | 0.00                 | 0.00                 |
| 93   | 0.00                 | 0.00                 |
| 94   | 0.00                 | 0.00                 |
| 95   | 0.00                 | 0.00                 |
| 96   | 0.00                 | 0.00                 |
| 97   | 0.00                 | 0.00                 |
| 98   | 0.00                 | 0.00                 |
| 99   | 0.00                 | 0.00                 |
| 100  | 0.00                 | 0.00                 |

| a. Name (Last, First, Middle Initial)<br>or<br>c. No. Cal. Dept. University | b. Current Professional<br>Position | c. 1. Name responsible<br>Degrees Of Medical<br>Training | d. Address |
|---|-------------------------------------|--|------------|
|   |                                     | 1) State 2) General Path 3) Masters 4) Board             |            |



OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
U.S. DEPARTMENT OF LABOR  
WORKSHEET

|                             |                             |                          |                                    |  |                                 |                            |                             |
|-----------------------------|-----------------------------|--------------------------|------------------------------------|--|---------------------------------|----------------------------|-----------------------------|
| 1. CSHO No.<br><b>E3898</b> | 2. Report No.<br><b>110</b> | 3. Item No.<br><b>16</b> | 4. Incidents on Pg.<br><b>10/1</b> | 5. Standard Advisory Violation<br><b>1910.1025 (A)(XIII)</b> | 6. Abatement Period<br><b>-</b> | 7. No. of Ins.<br><b>5</b> | 8. No. of Viol.<br><b>1</b> |
|-----------------------------|-----------------------------|--------------------------|------------------------------------|--|---------------------------------|----------------------------|-----------------------------|

|                   |                         |          |
|-------------------|-------------------------|----------|
| 11a. SAVE ID Card | 11b. ADVISE information | 12a. REF |
|-------------------|-------------------------|----------|

*The employee did not receive initial training within 10 days of hire. The effective date for this employee is the same as that of the other level.*

*The majority of the #2 and #5 spill mulls on the third floor of the Plant. Department was not provided initial training though for exposure to airborne lead exceeded the action level.*

12b. ILLNESS OR INJURY (See p. of Complaints Continued)

13. CLASSIF.: **N V V V V V V**

14. PROBABILITY RATING (For Severity See HPOM Chapter 11 E.3)

| RATING | a. Prob. of Injury/IL or No. Can. Dev. Unsett. |               |            |          | b. Gravity-Based Penalty | c. Times Reported/ Degree Of Withal | d. Abatement Factors |  |  |  | e. Process Abatement |
|--------|--|---------------|------------|----------|--------------------------|-------------------------------------|----------------------|--|--|--|----------------------|
|        | 11 Size  | 12 Color-Rash | 13 History | 14 Total |                          |                                     |                      |  |  |  |                      |
| 15     |  |               |            |          |                          |                                     |                      |  |  |  |                      |

## WORKSHEET

① The operator of the #2 and #5 ball mills on the third floor of the Dept. Department ~~was not~~ provided ~~with~~ at least general training through his exposure to airborne lead around the active level.

12b. ILLNESS OR INJURY (See p. \_\_\_ of Consular Guidelines)

13. CLASSIF.:

14 PROBABILITY RATING (PR) Specimens. See INFOM, Chapter II.E.3.1.

### RATING

**IS PENALTY**

a. Prob. of injury ill.  
or  
a. Ho. Cal. Dev. Unconv.

|                          |                                     |
|--------------------------|-------------------------------------|
| b. Gravity-Based Penalty | c. Times Reasonably Degree Of Withd |
|--------------------------|-------------------------------------|

| d. Adjustment Factors |              |            |          | Prod. Adj. |
|-----------------------|--------------|------------|----------|------------|
| 11 Sum                | 21 Good Felt | 21 Measure | 48 Total |            |
|                       |              |            |          |            |



## WORKSHEET

**12b. ILLNESS OR INJURY** (See p. \_\_ of Conviction Guidelines)

*Lead poisoning*

06890

**13. CLASS:**

|   |   |   |   |   |
|---|---|---|---|---|
| N | V | V | V | M |
|---|---|---|---|---|

**14. PROBABILITY RATING** (For Searches See IMFORM Chapter H E-3)

a No Employees    b Duration of Site    c Other PPE    d Staff Surveys    e Other Factors    f Total

RATING: \_\_\_\_\_

**15. PENALTY**

| a. Prob. of Injury/Ill<br>or<br>d. No. Ch. Above Unserv. | b. Gravity-Based Penalty | c. Times Reported/<br>Degree Of Withld | d. Adjustment Factors |               |            |          | e. Proc Adv. |
|--|--------------------------|--|-----------------------|---------------|------------|----------|--------------|
|  |                          |  | 1) Size               | 2) Good Faith | 3) History | 4) Total |              |
|  |                          |  |                       |               |            |          |              |
|  |                          |  |                       |               |            |          |              |
|  |                          |  |                       |               |            |          |              |
|  |                          |  |                       |               |            |          |              |

## WORKSHEET

|                             |                                     |  |                                 |
|-----------------------------|-------------------------------------|--|---------------------------------|
| 1. CSHO No.<br><b>F3898</b> | 2. Report No.<br><b>110</b>         | 4a. Type<br><b>5</b>                                     | 4b. Recd. No.                   |
| 3. Item No.<br><b>1K</b>    | 6. Instance on Pg.<br><b>1 of 1</b> | 7. Standard Alleged Violation<br><b>1910.1025 (c)(1)</b> | 8. Attachment Pages<br><b>1</b> |
| 11a. SAVE ID Code           |                                     | 11b. AVO/Verbal Information                              |                                 |

12a. **The employee did not provide official employee as their representative on opportunity to observe any inflicting of employee of group to best conducted pursuant to paragraph (1) of this section.**

12b. **Employee representative.**

12c. **Designated employee representative was not provided the opportunity to observe the manner of employee representative observe best conducted on 12/8/79 and 5/10/79.**

12d. ILLNESS OR INJURY (See a. of Compliance Guidelines)

**Test passing**

|               |                        |                     |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |
|---------------|------------------------|---------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 13. CLASSIF.: | a. Federal or Contract | b. Service or Civil | c. Other | d. Other | e. Other | f. Other | g. Other | h. Other | i. Other | j. Other | k. Other | l. Other | m. Other | n. Other | o. Other | p. Other | q. Other | r. Other | s. Other | t. Other | u. Other | v. Other | w. Other | x. Other | y. Other | z. Other |          |
|               | <b>N</b>               | <b>Y</b>            | <b>Y</b> | <b>Y</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> | <b>N</b> |

14. PROBABILITY RATING (For Scores, See INPOM Chapter 11.6.3)

|             |                    |                     |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |
|-------------|--------------------|---------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 15. RATING: | a. No. of Injuries | b. Degree of Injury | c. Other | d. Other | e. Other | f. Other | g. Other | h. Other | i. Other | j. Other | k. Other | l. Other | m. Other | n. Other | o. Other | p. Other | q. Other | r. Other | s. Other | t. Other | u. Other | v. Other | w. Other | x. Other | y. Other | z. Other |          |
|             | <b>1</b>           | <b>1</b>            | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>1</b> |

FORM OSHA-18 (Rev. January 1979)



F3898 110

Opening Conference

4/8/80

- See notes of George Yhase1) Product being madea) Hopper Car Liner - for RR cars

- Vinyl resin - Ethyl Vinyl - Chloride, M.I.
- X-yld - Ashland Chem, Columbus, OH
- MTBK - Ashland

b) Process - closed kettle mill1) Charging Hopper

- beginning to charge mill
- add 2-55 gal drums of X-yld
- Fire ←

2) Charging for SLP - for any batcha) gather materialsb) Charging process

- remove dry material - vinyl resin
- (solid - granular)
- add pigments -  $TiO_2$ ,  $Fe_2O_3$ ,  $Al_2O_3$
- add solvents - MTBK, X-yld
- dump from drums into mill

3) Safety

- a) X-yld & MTBK identified on ticket as low flash
- b) Ground the drum for static

035170

4) Chemically use high flash mineral gas as solventa) Only product using MTBKb) 100% of production in this area

OSHA No. 1 Report No. 20 110

F3898 110

Capt Blaylock - 785-0683

4/8/80

Chief Roche

① Eng 62 - 114<sup>th</sup> - Michigan

Fire Dept Report

4-1-80

11:10 A

Still alarm 115

12042 L. Perris

1-5 smaller leaks went off  
1 injured

015171

9/6/80

Respirators

① MSA - full harness - BM-130-17

② Type ? , Part # V1995

1 NH<sub>2</sub> Smith, Smith & Soga

③ Canister MSA

④ Canister pt 459315

⑤ MSA - oxygen Vapor

⑥ No cover on inhalation valve

⑦ No valve used separately

⑧ 1 Ex 70

FS198 116

4/24

Food Program

(1) Chicken feeding

(2) Cost per year by is ?

(3) Cost on third floor

(4) Cost chicken feeding by is ?

- Cost industrial plants

- 3 operational units

(5) Cost food by is ? Food program feeding

(6) Cost

- 16 person -13 person 3/14/80

- 1 person 3/14/80

- Cost and materials used on units

- Cost and materials used on units

- 1 person 3/14/80 person 3/14/80

- 1 person 3/14/80

- 1 person 3/14/80

(7) Employer gets copy of and analysis of

Calculus Monitoring

015172

(1) extended  
and use the instrument as well as pencil curve  
of wire curve station

(2) Use of only approach, separation, separation,  
etc.

1. There is a separation throughout

2. ~~There is a separation~~

3. Year 1-2 has 1 day, 2-3

4. ~~There is a separation~~

5. ~~There is a separation~~

6. ~~There is a separation~~

1.7

4.25

3

7.25 - 3.6 -

✓

2.3



F3558 110

5/5/80

E. J. R.

First Inspection

## ① Cleaning

② Try to use steam machine but pressure  
it is broken

- do dry cleaning while seeing agent
- wet cleaning machine didn't work

## ③ Little cleaning time in the room

- waste, galley everywhere

## ④ No eating, drinking or smoking in area

## ⑤ Regular polishing, floor polish &amp; mopping

## ⑥ Change wall cloth &amp; shower

take away powder and cleaning cloth

## ⑦ Training

## Laundry Room

## ① All clothes washed together

② No separation for bed contaminated clothing

## ③ Claimed "no bed linen anymore in plant"

④ Any bed linen is imported from outside  
then not much left

0103278

(1) Little cleaning done in store rooms  
- waste, garbage everywhere

(2) No eating, drinking or smoking in area

(3) Regular physicals, blood tests & monitoring

(4) Change work clothes & shower

(5) Company provides and cleaning clothes

(6) Training

### Laundry Room

(1) All clothes washed together

(2) No separation for lead contaminated clothing

(3) Claimed "no lead used anymore in plant"

(4) Any lead used is in liquid form and even then not much of it

015177

the phone - certain details  
known - about 1941 - 1942 - being the  
the - again

1941 - usually from an American  
sp in desk - out of people there  
usually, with a group, separate

Ex 72  
the - just down in front  
the -

usually on side looked at the  
checked open just over the

found in small down in the  
have never down yet previous

other than clear that adding  
one 55 yellow in found over

down all the same way previous  
started about 10:00 am 6:00 PM

known 22, 33, 37 with 7.5  
changes could not find car

on go about 3:00  
Ex 72

Ex 72  
Ex 72  
Ex 72

Ex 72  
Ex 72  
Ex 72

(3)

formation have barrel mounds,  
does not have grass to jump from  
area not cleared regularly  
Used to clear sweeping around  
steel survey used to clear area  
No inventory gas or etc.  
Brighter lines all houses  
pursue going used 5 gallon drum  
no special instructions as to how  
to add or do job. - flammable  
had colder spray type. Never  
checked to his knowledge ground  
integrity - use square funnel like  
three bags - usually for no extra  
color from change - Ex? -  
direct close to top of mix tank  
must shut off manually themselves  
see how much getting exposed  
at 1000 ft. 76

F-3898 110

4/5/8

Page 1 of

Ex 7C

Job title - Ex 7C - 1<sup>st</sup> floor

- Hasn't worked in industrial paint bldg for about one
- worked at plant since 1978
- 1<sup>st</sup> day in industrial bldg is same as off

Started work at 7:30A

- Only other one on 1<sup>st</sup> floor was i

Filling 5 gallon buckets

- filling out of tank
- into metal containers

- never use breathing mask for 5 gallon bucket
- do use them for 55 gal drums

Noticed fumes when first entered room

- strong solvent smell
- Filling began see liver pain
- Filled about 6 pails in morning

Ex 7C - have sick today

- the fumes last Thursday were bad and all night gave him was old
- reason - Haven't him by
- Ex 7C told him just to go out for fresh air if fumes got bad

In morning Ex 7C was complaining about fumes, complained to night about fumes - when came back into area from getting jacket area updated

1981

Case Report No. 21/76

F3898

110

4/5/50

Page 29

- There were fire on walls, around  
windows and everywhere

- ~~Ex~~ - a run out of area as  
the thought rain was coming

- ran back ~~into~~ ~~into~~ ~~into~~ ~~into~~  
on girl but she had left  
the area

015182

Midland Notes

4/19/

Clark # 32

SN F355-351-4015 FA

Mid EC 500-55F

2 year FF

Capacity 5500

Portable tank - 100 in

1) 2nd floor thin concrete - by East Midland

- 2 year (as found)

- 1st floor concrete - 2250 gpm Xylene

- 2nd floor concrete - 2250 gpm Xylene

Neutral spirits - TH-200

50

100

200

Anti-Terra-V

MO 252

E-70

7

E-70

61518

~~SECRET~~

Leaf 211/12

2 yrs FF - 4000

4000 - 4000

SN P465-832-388 OFA

2nd 2405

*Perceps*

*John E. Campbell*

*The Journal*

CCD #2

$$\frac{2}{3} \frac{1}{2}$$

110 110 110



F3595 116

|                                 | Operator | Time Tub | Time Liner |
|---------------------------------|----------|----------|------------|
| 1st SX release 9:00am < 20:00pm |          |          | 20:00pm    |
| FM I BK                         | N/D      |          | 0.27a(20)  |
| 2nd SX release 9:30am < 20:00pm |          |          |            |
| FM I BK                         | N/D      |          |            |
| 3rd SX release 11:15 AM         |          |          |            |
| FM I BK                         |          |          |            |
| 1000                            |          |          |            |

Condition

- ① Moulding - done good
- ② Fanning Eastman on
- ③ Lid on tub

Operation

- ① Turn on nozzle to strainer
- ② Back pack
- ③ Turn on valve for nozzle for filling & fill to pack
- ④ Turn off filling nozzle
- ⑤ Load pack on ship
- ⑥ Set up new set of empty side-on cover
- ⑦ Repeat

015185

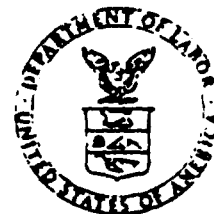
U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION  
ANALYTICAL LABORATORY  
390 WAKARA WAY  
SALT LAKE CITY, UTAH 84102

FTS 588-5287

524-5287

Area Code: 801

*Dutch Boy Paints*



20 June 1980

Mark B. Finn  
USDOL - OSHA  
1400 Torrence Avenue, 2nd Floor  
Calumet City, IL 60409

Dear Mr. Finn:

Enclosed are copies of the Occupational Safety & Health Admin.

Air Sampling Data Sheets for sample nos. F-80013 through F-80017

(field sample nos. varied).

Sincerely yours,

KENNETH L. FRANK  
Acting Supervisory Chemist, Branch I  
Inorganic Division

024743

# ANALYST WORKSHEET

|   |  |  |                       |   |  |
|---|--|--|-----------------------|---|--|
| 1. SAMPLE NUMBER<br><b>F-80013-17</b>   |  | 2. SEALS<br><input type="checkbox"/> BROKEN <input checked="" type="checkbox"/> INTACT <input type="checkbox"/> NONE |                       | 3. DATE RECEIVED<br>-Rec'd Lab 5/16/80<br>-Rec'd by Analyst 5/29/80 |  |
| 4. RECEIVED FROM  |  |  | 5. REGION<br><b>5</b> |   |  |
| 6. DESCRIPTION OF SAMPLE<br><b>Bulks</b>  |  |  |                       |   |  |
| 7. SUMMARY OF ANALYSIS  |  |  |                       |   |  |
| Sample Submission No. F-3898-1655 F-3898-1656 F-3898-1657 F-3898-1658 F-3898-1659 |  |  |                       |   |  |
| Lab. Sample No. F-80013 F-80014 F-80015 F-80016 F-80017                           |  |  |                       |   |  |
| % Pb (by weight) 20% 23% 2.3% 20% <1%   |  |  |                       |   |  |
| % Cr (by weight) 9.9% 1.4% <1% <1% <1%  |  |  |                       |   |  |
| 8. RESERVE SAMPLE   |  |  |                       |   |  |
| 9. DATE REPORTED 6/13/80  |  |  |                       |   |  |
| 10. ANALYST <b>h</b>  |  | 11. CALCULATIONS CHECKED BY <b>x</b>   |                       | 12. DATE CHECKED 6/18/80  |  |

As stated in the industrial hygienists manual, bulk samples are not routinely analyzed by the laboratory. Upon special request, bulk samples are analyzed to give the industrial hygienist an estimate of the composition of the material submitted. The results reported therefore should be considered semi-quantitative values.

A more complete analysis of a bulk sample may involve extensive extraction, fusions, or matrix matching procedures which are very time consuming. Our work load does not allow time for conducting such extensive investigations.

Companies frequently analyze bulk samples for quality control purposes. Since the company analyzes the material routinely their results are usually accurate. When such information cannot be obtained from the company the laboratory will conduct a semi-quantitative analysis of a bulk sample and provide the industrial hygienist an approximation of the percentages of the elements requested. With this information, the industrial hygienist should be able to obtain samples of the contaminants in the workroom air for enforcement purposes.

|                  |      |      |     |     |     |
|------------------|------|------|-----|-----|-----|
| % Cr (by weight) | 9.9% | 1.4% | <1% | <1% | <1% |
|------------------|------|------|-----|-----|-----|

8. RESERVE SAMPLE

9. DATE REPORTED

6/13/80

10. ANALYST

1

11. CALCULATIONS CHECKED BY

X

12. DATE CHECKED

6/18/80

TABLE I

ATMOSPHERIC METAL DUST CONCENTRATIONS

February 5, 1979

DUTCH BOY, INC.  
CHICAGO, ILLINOIS

| Sample Number   | Location                                 | Time Start/Stop                      | Concentration (mg/M <sup>3</sup> ) <sup>a</sup><br>Cr (as CrO <sub>3</sub> )      Pb |      |
|---|--|--------------------------------------|--|------|
| OSHA ALLOWABLE LIMIT  |  |                                      | .1   | .05  |
| ACGIH THRESHOLD LIMIT VALUE                                   |  |                                      | .1   | .15  |
| <u>OPERATORS' BREATHING ZONES</u>                             |  |                                      |  |      |
|   | <i>E x 7L</i><br>and mill no. 3 operator | <sup>b</sup> 0926/1531 <sup>c</sup>  | .019   | .089 |
| ESTIMATED TIME-WEIGHTED AVERAGE EXPOSURE (8 hr.) <sup>d</sup> |  |                                      | .013   | .062 |
|   | <i>E x 7L</i><br>2 operator              | 0930/1527 <sup>c</sup>               | .004   | .02  |
|   | <i>E x 7L</i><br>Paint mixer             | <sup>a1</sup> 0957/1528 <sup>c</sup> | .013   | .14  |
| ESTIMATED TIME WEIGHTED AVERAGE EXPOSURE (8 hr.) <sup>d</sup> |  |                                      | .0082  | .088 |
|   | <i>E x 7L</i>                            | 1009/1457 <sup>c</sup>               | <.0005   | .001 |

<sup>a</sup> Atmospheric concentrations are expressed in terms of milligrams per cubic meter of air/

<sup>b</sup> On many days, *E x 7L* will not use lead containing pigments. On this day, he used more than average and thus his exposure was higher than normal.

<sup>c</sup> Includes a half hour lunch.

<sup>d</sup> It is assumed that the employee's exposure during the unsampled part of his day was negligible since no use was made of the lead pigments until the sampling began.

<sup>e</sup> The ventilation on the charging funnel was not functioning properly during this study because the dust collector was frozen and could not be emptied. For this reason and because more lead pigment was used than on an average day, the exposure measured is felt to be considerably higher than normal.

< denotes less than

TABLE I

ATMOSPHERIC METAL DUST CONCENTRATIONS

May 10, 1979

DUTCH BOY, INC.  
CHICAGO, ILLINOIS

| Sample Number                                 | Location             | Time Start/Stop | Concentration (mg/M <sup>3</sup> )<br>Pb | a<br>CrO <sub>3</sub> |
|---|----------------------|-----------------|--|-----------------------|
| OSHA ALLOWABLE LIMIT                          |                      |                 | 0.05                                     | 0.1                   |
| ACGIH THRESHOLD LIMIT VALUE                   |                      |                 | 0.15                                     | 0.1                   |
| NIOSH CRITERIA DOCUMENT SUGGESTED LIMIT       |                      |                 |  | 0.001                 |
| <u>OPERATOR'S BREATHING ZONE</u>              |                      |                 |  |                       |
| <u>Industrial Paint</u><br><u>Mixing Area</u> |                      |                 |  |                       |
| J-112   | Ex 7C<br>paint mixer | industrial      | 0807/1140 &<br>1245/1620                 | 0.087<br>0.011        |

<sup>a</sup> Atmospheric concentrations are expressed in terms of milligrams per cubic meter of air.

Pb - denotes lead

CrO<sub>3</sub> - denotes chromates

3541B

C15174

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

CITY OF CHICAGO,

Plaintiff,

v.

NL INDUSTRIES, INC. and  
ARTRA GROUP, INC.,

Defendants;

No. 91 CH 04534  
Judge Green

NL INDUSTRIES, INC.,

Counterclaim Plaintiff and  
Counterclaim Defendant,

v.

ARTRA GROUP, INC.,

Counterclaim Defendant and  
Counterclaim Plaintiff.

STATEMENT OF  
FRANK CUNICO

State of Illinois :

SS

County of Cook :

I, Frank Cunico, hereby declare and affirm that:

1. My name is Frank Cunico. I reside at 124 Maray, New Lenox, Illinois.
2. I worked at the former Dutch Boy paint plant located at 120th and Peoria Streets, Chicago, Illinois (the plant") from approximately 1957 to 1980. I was employed by NL Industries, Inc. ("NL") until approximately 1976. Thereafter I was employed by ELT, Inc.

3. While employed at the plant, I worked as a electrical maintenance man and maintained electric motors on various machines.

4. During the period of time that I was employed by NL, the plant was well-maintained and in good condition. No buildings on the property were in poor repair, nor were any structures at the plant site in a demolished or partially demolished state. NL carried out regular maintenance and repairs regarding the buildings at the plant.

5. During the period of time that I was employed by NL, the grounds of the plant outside the buildings were well-maintained. There were no piles of debris on the grounds outside the buildings at the plant. There was not a problem with anyone dumping garbage and debris on the plant site.

6. During the period of time that I was employed by NL, the plant perimeter was fenced. This fence was well-maintained.

7. During the period of my employment at the plant, NL had incorporated various pollution control measures and devices at the plant. There were both wet and dry vacuums throughout the plant for cleaning up paint, pigment or of the product spills. Occasional product spills did occur, but employees promptly cleaned up any such spills. *Handwritten: mops were used to clean up sp.*

8. During the period of time that I was employed by NL, dust collectors and ventilation ducts were used throughout the plant to capture any dust or vapors that were produced by the production processes. These dust collectors and ventilation ducts were well-maintained and were cleaned out on a regular basis.



9. During the period of my employment at the site, NL did not dispose of hazardous substances on the plant site. Hazardous substances were not dumped on the ground outside the plant nor were they disposed of within the plant buildings. While NL owned and operated the plant, any garbage or waste of any kind produced at the site were properly disposed of off-site in the regular course of business.

10. During the period of my employment at the plant, NL was greatly concerned about work safety issues. NL provided each worker with three sets of jackets and coveralls. At the end of each day NL collected our clothing and washed them.

11. The water that was used to wash our clothes was pumped into the Boiler Room and placed in a large tank. The water was treated with sulfuric acid and lime to make certain that it was free of lead.

12. Almost everyone working at the plant was aware of the potential for lead poisoning. However, some people were careless and did not wear respirators. I worked at the plant for 23 years and never had a problem.

12. I swear that the foregoing information provided by me in this statement is true to the best of my knowledge, information and belief.

Frank Cunico  
FRANK CUNICO 1-4-96

(Witness)  
Thomas P. Galle  
THOMAS P. GALLE

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

CITY OF CHICAGO, )

Plaintiff, )

v. )

NL INDUSTRIES, INC. and )

ARTRA GROUP, INC., )

Defendants; )

No. 91 CH 04534

Judge Green

NL INDUSTRIES, INC., )

Counterclaim Plaintiff and )

Counterclaim Defendant, )

v. )

ARTRA GROUP, INC., )

Counterclaim Defendant and )

Counterclaim Plaintiff. )

STATEMENT OF  
JAMES McSHANE

State of Illinois :

SS

County of Cook :

I, James McShane, hereby declare and affirm that:

1. My name is James McShane. I reside at 14901 Evers, Dolton, Illinois.

2. I worked at the former Dutch Boy paint plant located at 120th and Peoria Streets, Chicago, Illinois (the plant") from approximately 1956 to 1980. I was employed by NL Industries, Inc. ("NL") until approximately 1976. Thereafter I was employed by ELT, Inc.

3. While employed at the plant, I worked as a paintmaker on the third floor of the plant. In 1970 I was transferred to the Laboratory.

4. During the period of time that I was employed by NL, the plant was well-maintained and in good condition. No buildings on the property were in poor repair, nor were any structures at the plant site in demolished or partially demolished state. NL carried out regular maintenance and repairs regarding the buildings at the plant.

5. During the period of time that I was employed by NL, the grounds of the plant outside the buildings were well-maintained. There were no piles of debris on the grounds outside the buildings at the plant. There was not a problem with anyone dumping garbage and debris on the plant site.

6. I am aware that both NL and ELT used underground storage tanks at the plant. These tanks generally contained latex and other vehicles for paint product. During the period of NL's ownership of the plant, these storage tanks were well-maintained and in good repair. I am unaware of any problems with any of these tanks leaking during the period that NL owned the plant.

7. During the period of time that I was employed by NL, the plant perimeter was fenced. This fence was well-maintained.

8. During the period of my employment at the plant, NL had incorporated various pollution control measures and devices at the plant. There were both wet and dry vacuums throughout the plant for cleaning up paint, pigment or of the product spills. Occasional product spills did occur, but employees promptly cleaned up any such spills.

9. During the period of time that I was employed by NL, dust collectors and ventilation ducts were used throughout the plant to capture any dust or vapors that were produced by the production processes. These dust collectors and ventilation ducts were well-maintained and were cleaned out on a regular basis.

10. I am unaware of any problem at the plant regarding releases of lead into the environment surrounding the plant. I do not recall the plant having a problem with lead dust or lead containing vapors escaping any of the buildings.

11. During the period of my employment at the site, NL did not dispose of hazardous substances on the plant site. Hazardous substances were not dumped on the ground outside the plant nor were they disposed of within the plant buildings. While NL owned and operated the plant, any garbage or waste of any kind produced at the site were properly disposed of off-site in the regular course of business.

12. During my employment at the plant, NL was concerned about worker safety issues. NL provided each worker with at least respirators and work clothes. Employees were aware that they should wear their respirators.

13. I swear that the foregoing information provided by me in this statement is true to the best of my knowledge, information and belief.

WITNESSED BY  
Thom P. Sells  
10/31/95

James McShane  
JAMES McSHANE

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

CITY OF CHICAGO,

Plaintiff,

v.

NL INDUSTRIES, INC. and  
ARTRA GROUP, INC.,

Defendants;

No. 91 CH 04534  
Judge Green

NL INDUSTRIES, INC.,

Counterclaim Plaintiff and  
Counterclaim Defendant,

v.

ARTRA GROUP, INC.,

Counterclaim Defendant and  
Counterclaim Plaintiff.

STATEMENT OF  
JAMES McSHANE

State of Illinois :

: SS

County of Cook :

I, James McShane, hereby declare and affirm that:

1. My name is James McShane. I reside at 14901 Evers, Dolton, Illinois.
2. I worked at the former Dutch Boy paint plant located at 120th and Peoria Streets, Chicago, Illinois (the plant") from approximately 1956 to 1980. I was employed by NL Industries, Inc. ("NL") until approximately 1976. Thereafter I was employed by ELT, Inc.

3. While employed at the plant, I worked as a paintmaker on the third floor of the plant. In 1970 I was transferred to the Laboratory.

4. During the period of time that I was employed by NL, the plant was well-maintained and in good condition. No buildings on the property were in poor repair, nor were any structures at the plant site in demolished or partially demolished state. NL carried out regular maintenance and repairs regarding the buildings at the plant.

5. During the period of time that I was employed by NL, the grounds of the plant outside the buildings were well-maintained. There were no piles of debris on the grounds outside the buildings at the plant. There was not a problem with anyone dumping garbage and debris on the plant site.

6. I am aware that both NL and ELT used underground storage tanks at the plant. These tanks generally contained latex and other vehicles for paint product. During the period of NL's ownership of the plant, these storage tanks were well-maintained and in good repair. I am unaware of any problems with any of these tanks leaking during the period that NL owned the plant.

7. During the period of time that I was employed by NL, the plant perimeter was fenced. This fence was well-maintained.

8. During the period of my employment at the plant, NL had incorporated various pollution control measures and devices at the plant. There were both wet and dry vacuums throughout the plant for cleaning up paint, pigment or of the product spills. Occasional product spills did occur, but employees promptly cleaned up any such spills.

9. During the period of time that I was employed by NL, dust collectors and ventilation ducts were used throughout the plant to capture any dust or vapors that were produced by the production processes. These dust collectors and ventilation ducts were well-maintained and were cleaned out on a regular basis.

10. I am unaware of any problem at the plant regarding releases of lead into the environment surrounding the plant. I do not recall the plant having a problem with lead dust or lead containing vapors escaping any of the buildings.

11. During the period of my employment at the site, NL did not dispose of hazardous substances on the plant site. Hazardous substances were not dumped on the ground outside the plant nor were they disposed of within the plant buildings. While NL owned and operated the plant, any garbage or waste of any kind produced at the site were properly disposed of off-site in the regular course of business.

12. During my employment at the plant, NL was concerned about worker safety issues. NL provided each worker with at least respirators and work clothes. Employees were aware that they should wear their respirators.

13. I swear that the foregoing information provided by me in this statement is true to the best of my knowledge, information and belief.

WITNESSED BY  
\_\_\_\_\_  
10/31/95

\_\_\_\_\_  
JAMES McSHANE

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

**CITY OF CHICAGO,**

**Plaintiff,**

**v.**

**NL INDUSTRIES, INC. and  
ARTRA GROUP, INC.,**

**Defendants;**

**No. 91 CH 04534**

**Judge Green**

**NL INDUSTRIES, INC.,**

**Counterclaim Plaintiff and  
Counterclaim Defendant,**

**v.**

**ARTRA GROUP, INC.,**

**Counterclaim Defendant and  
Counterclaim Plaintiff.**

**STATEMENT OF  
LOUIS W. CIONI**

**State of Illinois :**

**SS**

**County of Cook :**

**I, Louis W. Cioni, hereby declare and affirm that:**

- 1. My name is Louis W. Cioni. I reside at 102 North Bridge, Aroma Park, Illinois.**
- 2. I worked at the former Dutch Boy paint plant located at 120th and Peoria Streets, Chicago, Illinois (the plant") from approximately 1946 to 1980. I was employed by NL Industries, Inc. ("NL") until approximately 1976. Thereafter I was employed by ELT, Inc.**



3. While employed at the plant, I worked in the Maintenance Department as a pipefitter.

4. During the period of time that I was employed by NL, the plant was well-maintained and in good condition. No buildings on the property were in poor repair, nor were any structures at the plant site in demolished or partially demolished state. NL carried out regular maintenance and repairs regarding the buildings at the plant.

5. During the period of time that I was employed by NL, the grounds of the plant outside the buildings were well-maintained. There were no piles of debris on the grounds outside the buildings at the plant. There was not a problem with anyone dumping garbage and debris on the plant site.

6. I am aware that both NL and ELT used underground storage tanks at the plant. These tanks generally contained latex and other vehicles for paint product. During the period of NL's ownership of the plant, these storage tanks were well-maintained and in good repair. I am unaware of any problems with any of these tanks leaking during the period that NL owned the plant.

7. During the period of time that I was employed by NL, the plant perimeter was fenced. This fence was well-maintained.

8. During the period of my employment at the plant, NL had incorporated various pollution control measures and devices at the plant. There were both wet and dry vacuums throughout the plant for cleaning up paint, pigment or of the product spills. Occasional product spills did occur, but employees promptly cleaned up any such spills.

9. During the period of time that I was employed by NL, dust collectors and ventilation ducts were used throughout the plant to capture any dust or vapors that were produced by the production processes. These dust collectors and ventilation ducts were well-maintained and were cleaned out on a regular basis.

10. I am unaware of any problem at the plant regarding releases of lead into the environment surrounding the plant. I do not recall the plant having a problem with lead dust or lead containing vapors escaping any of the buildings.

11. During the period of my employment at the site, NL did not dispose of hazardous substances on the plant site. Hazardous substances were not dumped on the ground outside the plant nor were they disposed of within the plant buildings. While NL owned and operated the plant, any garbage or waste of any kind produced at the site were properly disposed of off-site in the regular course of business.

12. During the period of my employment at the plant, NL was concerned about worker safety issues. NL provided each worker with a respirator and filters that were usually changed daily.

13. Real problems occurred when Baltimore Paint Company purchased the plant from NL. After NL left the site Baltimore Paint Co. knocked down cylinders that were used in the manufacture of lead containing products. When Baltimore Paint Co. demolished the cylinders they did not take the necessary precautions to protect the workers and the environment and inform the employees that the destruction of the cylinder could release poisonous substances.

14. In late 1979 or 1980, Baltimore Paint Co. sold large pot stirrers to Sherwin Williams. When they removed the pot stirrers, large holes remained and Baltimore Paint Co.

filled the holes with stone and sand. As a result, I believe that the ground would have become contaminated with oxide.

15. In 1986, I was contacted by a woman from the Illinois E.P.A. and visited the plant with her for the purpose of locating storage tanks. I showed her where xylene and mineral spirits were store and told her that when Baltimore Paint Co. closed the plant the tanks were fairly full.

16. I swear that the foregoing information provided by me in this statement is true to the best of my knowledge, information and belief.

WITNESSES (3)

John P. Smith

11/1/95

Louis W. Cioni  
LOUIS W. CIONI

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

CITY OF CHICAGO,

Plaintiff,

v.

NL INDUSTRIES, INC. and  
ARTRA GROUP, INC.,

Defendants;

No. 91 CH 04534  
Judge Green

NL INDUSTRIES, INC.,

Counterclaim Plaintiff and  
Counterclaim Defendant,

v.

ARTRA GROUP, INC.,

Counterclaim Defendant and  
Counterclaim Plaintiff.

STATEMENT OF  
HUGH CAMERON

State of Illinois :

SS

County of Cook :

I, Hugh Cameron, hereby declare and affirm that:

1. My name is Hugh Cameron. I reside at 4023 Appleby, Richton Park, Illinois.
2. I worked at the former Dutch Boy paint plant located at 120th and Peoria Streets, Chicago, Illinois (the plant") from approximately 1956 to 1980. I was employed by NL Industries, Inc. ("NL") until approximately 1976. Thereafter I was employed by ELT, Inc.

3. While employed at the plant, I worked in the Paint Department. During the period 1957 to 1958, I also worked in the Paint Mixing Department from time to time as needed.

4. During the period of time that I was employed by NL, the plant was well-maintained and in good condition. No buildings on the property were in poor repair, nor were any structures at the plant site in demolished or partially demolished state. NL carried out regular maintenance and repairs regarding the buildings at the plant.

5. During the period of time that I was employed by NL, the grounds of the plant outside the buildings were well-maintained. There were no piles of debris on the grounds outside the buildings at the plant. There was not a problem with anyone dumping garbage and debris on the plant site.

6. I am aware that both NL and ELT used underground storage tanks at the plant. These tanks generally contained latex and other vehicles for paint product. During the period of NL's ownership of the plant, these storage tanks were well-maintained and in good repair. I am unaware of any problems with any of these tanks leaking during the period that NL owned the plant.

7. During the period of time that I was employed by NL, the plant perimeter was fenced. This fence was well-maintained.

8. During the period of my employment at the plant, NL had incorporated various pollution control measures and devices at the plant. There were both wet and dry vacuums throughout the plant for cleaning up paint, pigment or of the product spills. Occasional product spills did occur, but employees promptly cleaned up any such spills.

9. During the period of time that I was employed by NL, dust collectors and ventilation ducts were used throughout the plant to capture any dust or vapors that were produced by the production processes. These dust collectors and ventilation ducts were well-maintained and were cleaned out on a regular basis.

10. I am unaware of any problem at the plant regarding releases of lead into the environment surrounding the plant. I do not recall the plant having a problem with lead dust or lead containing vapors escaping any of the buildings.

11. During the period of my employment at the site, NL did not dispose of hazardous substances on the plant site. Hazardous substances were not dumped on the ground outside the plant nor were they disposed of within the plant buildings. While NL owned and operated the plant, any garbage or waste of any kind produced at the site were properly disposed of off-site in the regular course of business.

12. During my employment at the plant, NL provided personal safety equipment such as respirators, protective clothing, gloves, and, where appropriate, <sup>HC</sup>~~protective shoes~~. Generally speaking, workers were aware of the risk of lead exposure.

13. I swear that the foregoing information provided by me in this statement is true to the best of my knowledge, information and belief.

WITNESSES:

*Therese P. Smith*  
11/1/95

*Hugh L. Cameron*  
\_\_\_\_\_  
HUGH CAMERON

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

CITY OF CHICAGO,

Plaintiff,

v.

NL INDUSTRIES, INC. and  
ARTRA GROUP, INC.,

Defendants;

No. 91 CH 04534  
Judge Green

NL INDUSTRIES, INC.,

Counterclaim Plaintiff and  
Counterclaim Defendant,

v.

ARTRA GROUP, INC.,

Counterclaim Defendant and  
Counterclaim Plaintiff.

STATEMENT OF  
DAVID GENOVESE

State of Illinois :

SS

County of Cook :

I, David Genovese, hereby declare and affirm that:

1. My name is David Genovese. I reside at 14816 Turner, Midlothian, Illinois.
2. I worked at the former Dutch Boy paint plant located at 120th and Peoria Streets, Chicago, Illinois (the plant") from approximately 1946 to 1980. I was employed by NL Industries, Inc. ("NL") until approximately 1976. Thereafter I was employed by ELT, Inc.

3. While employed at the plant, I worked as a maintenance man in the Paint Department and repaired machinery.

4. During the period of time that I was employed by NL, the plant was well-maintained and in good condition. No buildings on the property were in poor repair, nor were any structures at the plant site in demolished or partially demolished state. NL carried out regular maintenance and repairs regarding the buildings at the plant.

5. During the period of time that I was employed by NL, the grounds of the plant outside the buildings were well-maintained. There were no piles of debris on the grounds outside the buildings at the plant. There was not a problem with anyone dumping garbage and debris on the plant site.

6. I am aware that both NL and ELT used underground storage tanks at the plant. These tanks generally contained latex and other vehicles for paint product. During the period of NL's ownership of the plant, these storage tanks were well-maintained and in good repair. I am unaware of any problems with any of these tanks leaking during the period that NL owned the plant.

7. During the period of time that I was employed by NL, the plant perimeter was fenced. This fence was well-maintained.

8. During the period of my employment at the plant, NL had incorporated various pollution control measures and devices at the plant. There were both wet and dry vacuums throughout the plant for cleaning up paint, pigment or of the product spills. Occasional product spills did occur, but employees promptly cleaned up any such spills.



9. During the period of time that I was employed by NL, dust collectors and ventilation ducts were used throughout the plant to capture any dust or vapors that were produced by the production processes. These dust collectors and ventilation ducts were well-maintained and were cleaned out on a regular basis.

10. I am unaware of any problem at the plant regarding releases of lead into the environment surrounding the plant. I do not recall the plant having a problem with lead dust or lead containing vapors escaping any of the buildings.

11. During the period of my employment at the site, NL did not dispose of hazardous substances on the plant site. Hazardous substances were not dumped on the ground outside the plant nor were they disposed of within the plant buildings. While NL owned and operated the plant, any garbage or waste of any kind produced at the site were properly disposed of off-site in the regular course of business.

12. Almost everyone working at the plant was aware of the potential for lead poisoning. However, some people were careless and did not wear respirators. I worked at the plant for 34 years and never had a problem.

13. I swear that the foregoing information provided by me in this statement is true to the best of my knowledge, information and belief.

Witness

*Ther. P. Smith*

11/1/95

*David Genovese*  
DAVID GENOVESE

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

CITY OF CHICAGO,

Plaintiff,

vs.

NL INDUSTRIES, INC., and  
ARTRA GROUP, INC.,

Defendants.

No. 91 CH 04534  
Judge Green

NL INDUSTRIES, INC.,

Counterclaim Plaintiff and  
Counterclaim Defendant,

vs.

ARTRA GROUP, INC.,

Counterclaim Defendant  
and Counterclaim Plaintiff.

STATEMENT OF  
NATHANIEL L. WATSON

State of Illinois :

SS

County of Cook :

I, Nathaniel L. Watson, hereby declare and affirm that:

1. My name is Nathaniel L. Watson. I reside at 11625 South Aberdeen Lane, Chicago, Illinois.

2. I worked at the former Dutch Boy paint plant located at 120th and Peoria Streets, Chicago, Illinois (the "Plant") in the late 60's and early 70's. I was employed by Burns Security ("Burns") during that time.

3. While employed at the plant, I worked as a Security Guard. As part of my regular duties I walk through the plant every hour.

4. During the period of time that I was employed by Burns, the plant was well-maintained and in good condition. No buildings on the property were in poor repair, nor were any structures at the plant site in a demolished or partially demolished state.

5. During the period of time that I was employed by Burns, the grounds of the plant outside the buildings were well-maintained. There were no piles of debris on the grounds outside the buildings at the plant. There was no problem with anyone dumping garbage and debris on the plant site.

6. During the period of time that I was employed by Burns, the plant perimeter was fenced. This fence was well-maintained.

7. I am unaware of any problem at the plant regarding releases of lead into the environment surrounding the plant. I do not recall the plant having a problem with lead dust or lead containing vapors escaping any of the buildings.

8. During the period of my employment at the site, NL did not dispose of hazardous substances on the plant site. To my knowledge hazardous substances were not dumped on the ground outside the plant nor were they disposed of within the plant buildings.

9. Based on my observations while working at the plant, NL maintained a secure site.

10. I swear that the foregoing information provided by me in this statement is true to the best of my knowledge, information and belief.

  
NATHANIEL L. WATSON